

REMARKS

Claims 1-6, 9, 11-31, 34-38, 50, 55, 60 are currently pending with claim 55 having been withdrawn from further consideration. No new claims have been added, claims 3, 5, 9 and 27 have been canceled without prejudice, and claims 1, 22 and 23 have been amended herein to define Applicants' invention with greater particularity. Support for the amended claims may be found, among others, in the specification at page 8, lines 3-6. No new matter has been added with the Amendments, being fully supported by the specification and claims as originally filed.

It is noted that the Office has deemed claims 38, 50 and 60 allowable (Office Action, page 8). Accordingly, upon entry of this communication, claims 1, 2, 4, 6, 11-26, 28-31, 34-38, 50, and 60 will be under consideration.

Rejection under 35 U.S.C. § 112, Second Paragraph

Applicants respectfully traverse the rejection of claims 1-6, 9, 11-31, and 34-37 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Specifically, the Office alleges that claims 1 and 23 encompass a polynucleotide molecule comprising polypeptide elements. In order to reduce the issues and further prosecution, Applicants have amended claims 1 and 23 to indicate that the polynucleotide molecule encodes a polypeptide comprising the elements, as suggested by the Examiner.

The Office further alleges that claim 22 lacks antecedent bases for the limitation "said reporter moiety activity." In order to reduce the issues and further prosecution, Applicants have amended claim 22 to recite comparing the detection of said reporter moiety or a product of said reporter moiety before addition of said test chemical to the detection of said reporter moiety or a product of said reporter moiety after addition of said test chemical.

The Office further alleges that claims 5 and 27 are indefinite for reciting a linker moiety of only 1 residue in size. In order to reduce the issues and further prosecution, Applicants have canceled claims 5 and 27 without prejudice, as suggested by the Examiner.

Finally, the Office alleges that in claim 3, it is unclear how a protease cleavage site could be a non-naturally occurring polypeptide. In order to reduce the issues and further

prosecution, Applicants have canceled claim 3 without prejudice, as suggested by the Examiner.

Accordingly, for the reasons provided above, withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. § 112, First Paragraph

Applicants respectfully traverse the rejection of claims 1-6, 9, 11-31 and 34-37 under 35 U.S.C. § 112, first paragraph, as allegedly failing to enable one of skill in the art to make and use the invention commensurate in scope with the claims. Specifically, the Office alleges that the specification does not provide an enabling disclosure for the instant claims wherein the three domains are encoded by more than one nucleic acid molecule. In order to reduce the issues and further prosecution, Applicants have amended claims 1 and 23 to remove the language reciting that the elements are encoded by one or more nucleic acid molecules, as suggested by the Examiner. Applicants have further canceled claim 9, as suggested by the Examiner, because a single polynucleotide that encodes all of the operatively linked elements would necessarily indicate that the elements are covalently coupled together. Accordingly, Applicants respectfully request withdrawal of the rejection.

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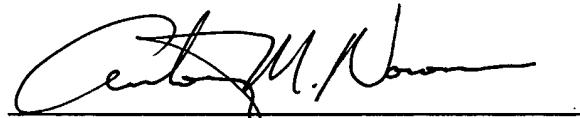
PATENT
Attorney Docket No.: VERT1330 (FORMERLY AURO1330)

CONCLUSION

In summary, for the reasons set forth herein, Applicants maintain that the pending claims clearly and patentably define the invention and respectfully request that the Examiner withdraw all rejections and pass the application to allowance. If the Examiner would like to discuss any of the issues raised in the Office Action, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

No fee is believed to be due in connection with filing this paper. However, the Commissioner is hereby authorized to charge any fees that may be required by this paper, or credit any overpayment to Deposit Account 07-1896 referencing the above-identified attorney docket number. A duplicate copy of the Transmittal Sheet is enclosed..

Respectfully submitted,



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